

# PUBLIC NOTICE



FEDERAL COMMUNICATIONS COMMISSION

445 12th STREET, S.W.

WASHINGTON, D.C. 20554

DA 00-335

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## COMMON CARRIER BUREAU SEEKS COMMENT ON SBC's REQUEST FOR INTERPRETATION, WAIVER, OR MODIFICATION OF THE SBC/AMERITECH MERGER CONDITIONS

CC Docket No. 98-141

ASD File No. 99-49

Released: February 18, 2000

On October 6, 1999, the Commission approved, subject to conditions, the transfer of control of certain licenses and authorizations from Ameritech Corporation to SBC Communications ("SBC").<sup>1</sup> Pursuant to the *Merger Conditions*, SBC must establish one or more separate affiliates to provide advanced services, including Digital Subscriber Line ("DSL") advanced services.<sup>2</sup> SBC's Advanced Services Affiliate must, among other things, own (or lease) and operate all new advanced services equipment used to provide advanced services.<sup>3</sup>

On February 15, 2000, SBC filed a letter with the Chief of the Common Carrier Bureau ("Bureau") seeking the Bureau's interpretation regarding an ownership arrangement of certain advanced services equipment.<sup>4</sup> Specifically, SBC seeks the Bureau's concurrence that its proposed ownership arrangement is consistent with the *Merger Conditions*. In the event the Bureau finds SBC's proposed ownership arrangement inconsistent with the *Merger Conditions*, SBC seeks a waiver of the applicable requirements or a modification of the conditions to allow the proposed operating environment.

Through this public notice, the Bureau seeks comment on SBC's request. We invite parties to present their views on all aspects of SBC's February 15<sup>th</sup> Letter, which is attached in its entirety to this notice. Interested parties may file comments or oppositions regarding SBC's request not later than **March 3, 2000**. Responses to these comments or oppositions may be filed not later than **March 10, 2000**. Copies of this notice and SBC's February 15<sup>th</sup> Letter are available from the Commission's duplicating

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<sup>1</sup> Applications of Ameritech Corp., Transferor, and SBC Communications, Inc., Transferee, For Consent to Transfer Control of Corporations Holding Commission Licenses and Lines Pursuant to Sections 214 and 310(d) of the Communications Act and Parts 5, 22, 24, 25, 63, 90, 95, and 101 of the Commission's Rules, CC Docket 98-141, *Memorandum Opinion and Order*, FCC 99-279 (rel. Oct. 8, 1999) ("SBC/Ameritech Merger Order"). Information about the Merger Conditions is posted on the Internet at: <http://www.fcc.gov/ccb/mcot>.

<sup>2</sup> SBC/Ameritech Merger Order at Appendix C, paras. 1-13.

<sup>3</sup> *Id.* at Appendix C, para. 3(d).

<sup>4</sup> Letter from Paul K. Mancini, Vice President & Assistant General Counsel, SBC Communications, Inc., to Lawrence E. Strickling, Chief, Common Carrier Bureau, FCC at 1, 6 (Feb. 15, 2000) ("February 15<sup>th</sup> Letter"). Although SBC's February 15<sup>th</sup> Letter labels one attachment as "confidential," SBC indicates that the information is suitable for public disclosure.

contractor, International Transcription Service, Inc., at its offices at 1231 20<sup>th</sup> Street, N.W., Washington, D.C. 20036, telephone (202) 857-3800.

## **1. EX PARTE STATUS OF THIS PROCEEDING**

Because this matter involves broad public policy issues, the Bureau will treat the proceeding as "permit but disclose" for purposes of the Commission's *ex parte* rules. See generally 47 C.F.R. §§ 1.1200-1.1216. Should circumstances warrant, the Bureau may designate this proceeding and all interrelated proceedings as restricted. As a "permit but disclose" proceeding, *ex parte* presentations will be governed by the procedures set forth in Section 1.1206 of the Commission's rules applicable to non-restricted proceedings.<sup>5</sup>

Parties making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must contain a summary of the substance of the presentation and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. See 47 C.F.R. § 1.1206(b)(2), as revised. Other rules pertaining to oral and written presentations are set forth in Section 1.1206 (b) as well. Interested parties are to file with the Commission Secretary, Magalie Roman Salas, 1919 M Street, N.W., Room 222, Washington, D.C. 20554, and serve Janice Myles of the Policy and Program Planning Division, Common Carrier Bureau, Room 544, 1919 M Street, N.W., Washington D.C. 20554, and International Transcription Service, Inc., 1231 20th Street, N.W., Washington, D.C. 20036, with copies of any written *ex parte* presentations in these proceedings filed in the manner specified above.

## **2. FILING PROCEDURES**

Interested parties may file comments and/or petitions to deny regarding SBC's request not later than **March 3, 2000**. Responses or oppositions to these comments and petitions may be filed not later than **March 10, 2000**. In accordance with Section 1.51(c) of the Commission's Rules, 47 C.F.R. §1.51(c), an original and four copies of all pleadings must be filed with the Commission's Secretary, Magalie Roman Salas, 445 Twelfth Street, S.W., TW-A325, Washington, D.C. 20554. In addition, copies of each pleading must be filed with other offices in the following manner: (1) one copy with International Transcription Service, Inc., the Commission's duplicating contractor, 445 12<sup>th</sup> Street, S.W., CY-B402, Washington, D.C. 20554, (202) 857-3800; (2) one copy with Janice Myles of the Policy and Program Planning Division, Common Carrier Bureau, 445 Twelfth Street, S.W., Room 5-C327, Washington, D.C. 20554; (3) one copy with Anthony Dale, Accounting Safeguards Division, Common Carrier Bureau, 445 Twelfth Street, S.W., Room 6-C461, Washington, D.C. 20554; and (4) six copies with Debbi Byrd, Accounting Safeguards Division, Common Carrier Bureau, 445 12<sup>th</sup> Street, S.W., Room 6-C316, Washington, D.C. 20554.

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<sup>5</sup> An *ex parte* presentation is any communication (spoken or written) directed to the merits or outcome of a proceeding made to a Commissioner, a Commissioner's assistant, or other decision-making staff member, that, if written, is not served on other parties to the proceeding or, if oral, is made without an opportunity for all parties to be present. 47 C.F.R. Sec. 1.1201.

In addition to filing paper comments, parties may also file comments using the Commission's Electronic Comment Filing System (ECFS).<sup>6</sup> Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. For filing instructions for e-mail comments, commenters should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov) and should include the following words in the body of the message: "get form <your e-mail address.>" A sample form and directions will be sent in reply.

Copies of the applications and any subsequently filed documents in this matter may be obtained from International Transcription Service, Inc., 445 12<sup>th</sup> Street, S.W., CY-B402, Washington, D.C. 20554, (202) 857-3800. Electronic versions of the applications are also available on the FCC's Internet Home Page (<http://www.fcc.gov>) and through the Commission's Electronic Comment Filing System. To the extent that parties file electronic versions of responsive pleadings, such filings also will be available on the FCC's Internet Home Page and through the Commission's Electronic Comment Filing System. Copies of the applications and documents are also available for public inspection and copying during normal reference room hours at the Commission's Reference Center, 445 12<sup>th</sup> Street, S.W., CY-A257, Washington, D.C. 20554.

For further information contact Anthony Dale, Accounting Safeguards Division, Common Carrier Bureau at (202) 418-2260.

--Action by the Deputy Chief, Common Carrier Bureau--

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<sup>6</sup> See Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24,121 (1998).